

ORIGINALFILED IN CLERK'S OFFICE
DEC 5 2003

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LUT: Clerk
By: Deputy ClerkW. H. Clerk
Deputy Clerk

Edwin Boatright, Idell E. Boatright
Dena Nichols, Katherine Coursey,
Andrea Banderas, Betty J. Bowling
PLAINTIFFS

-vs-

R. J. Corman Railroad Company,
LLC/Materials Sales, R. J. Corman
Railroad Company LLC, R.J. Corman
Derailment Services, LLC, R. J. Corman
R.J. Corman Distribution Centers, LLC
R.J. Corman Railroad Group,
R. J. Corman Derailment Services
Freight Transfer Division, R. J.
Corman Distribution Centers, LLC
R. J. Corman Railroad Construction
LLC, R. J. Corman Equipment
Company, R. J. Corman Equipment
Company, LLC

DEFENDANTS

Civil Action No: CV 1 03 CV 3794

Judge: _____

**COMPLAINT AND JURY
DEMAND**

Plaintiffs in complaint against defendants allege as follows:

1. Defendants are organized pursuant to the laws of a state other than Georgia.
2. Defendants' principal places of business are in a state other than Georgia.
3. Defendants conduct commercial business within this Judicial District including but not limited to those conducted at 4825 Mendel Ct, Atlanta, GA 30336.
4. At the time of commencement of this action, defendant was subject to personal jurisdiction at 4825 Mendel Ct., Atlanta, GA 30336.
5. Plaintiff, Idell E. Boatright, is a citizen and resident of the state of Georgia.
6. Plaintiffs, Edwin Boatright, Katherine Coursey, and Andrea Banderas, are the surviving adult offspring of decedent, Edward Deen Boatright, and citizens and residents of the state Georgia.

FORMS RECEIVED

Consent To Judgment _____

Pretrial Order _____

Title VII _____

7. Plaintiff, Dena Nichols, is a surviving adult offspring of decedent, Edward Deen Boatright, and a citizen and resident of the state of Alabama.
8. Plaintiff, Betty J. Bowling, is a citizen and resident of the state of Georgia.
9. The amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.
10. Jurisdiction is premised upon **Title 28 U.S.C. 1332 (a)(2)**.
11. Venue is premised upon **Title 28 U.S.C. 1391**.

COUNT I

12. *Plaintiffs incorporate as if completely reiterated each of the above paragraphs and further allege:*
13. On May 28, 2002, Chad Everett McKinney was employed by defendants as a tractor trailer operator.
14. On May 28, 2002, defendants owned a 1998 Peterbuilt Model 330 tractor bearing ID # 1NPNLD9X7XS485202.
15. On May 28, 2002, defendant's employee, Chad Everett McKinney, while in the course of his employment with defendants, negligently, gross negligently, willfully, and wantonly operated Corman's tractor trailer truck causing it to collide with an automobile occupied by plaintiff's decedent and plaintiff, Betty Jean Bowling.
16. As a direct and proximate result of the defendants' and/or their employee's negligence, Plaintiff's decedent, Edward D Boatright, suffered serious and fatal injuries, and plaintiffs suffered and/or incurred those damages provided for pursuant to the laws of the state of Georgia.

COUNT II

17. Plaintiffs incorporate as if completely reiterated, each of the above paragraphs and further allege:
18. As a direct and proximate result of the defendants and/or their employee's negligence, gross negligence, willful, wanton, and careless actions and/or inactions, plaintiff, Betty Jean Bowling, suffered serious and permanent physical injuries, pain and suffering, and has incurred medical and other expenses and losses, some of which will continue into the future.

COUNT IV

19. Plaintiffs incorporate as if completely reiterated, each of the above paragraphs and further allege:
20. Plaintiff, Idell E. Boatright, was the lawful wife of decedent, Edward Deen Boatright, and as a direct and proximate result of the negligent, gross negligent, willful, wanton, and careless actions and/or inactions of defendants and/or their employee, she has suffered and will continue to suffer in one degree or another, for a reasonable time into the future, the loss of society, care, consortium, assistance, and companionship of her husband.

COUNT III

21. Plaintiffs incorporate as if completely reiterated, each of the above paragraphs and further allege:
22. To the extent that defendants' actions and/or inactions constitute gross negligence, or willful, wanton, careless behavior conducted with a disregard for the safety and well being of others, including plaintiff, then plaintiff's request that

punitive damages be awarded.

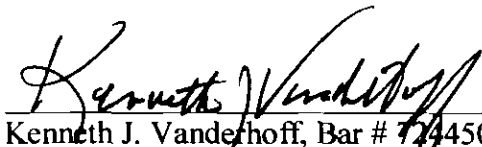
WHEREFORE, Plaintiffs demand judgment against the defendants in an amount in excess of the jurisdictional amount of this court and/or in an amount to be determined by the enlightened conscience of the jury, in full compensation for their respective injuries and losses, as allowed by the laws of this jurisdiction, and further demands a judgment of punitive damages in an amount to be determined by the enlightened conscience of the jury and for costs and attorney's fees against defendant, to the extent allowed by law.



Kenneth J. Vanderhoff, Bar # 724450
Attorney for Plaintiffs
115 West Courthouse Square
Cumming, GA 30040
770-887-1445

JURY DEMAND

Plaintiffs demand trial by jury.



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**SUMMONS IN A CIVIL
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Corman, R.J. Corman Distribution Centers, LLC,
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Company, R.J. Corman Equipment Company, LLC.

03 CV 3794

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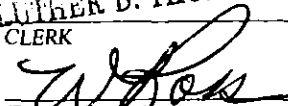
Tony Carrillo, Plant Manager
4825 Mendel Court
Atlanta, Georgia 30336

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Kenneth J. VanderHoff
115 West Courthouse Square
Cumming, Georgia 30040
770-887-1445

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LUTHER D. THOMAS
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(By)  DEPUTY CLERK

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Kenneth D. Adams, Resident Agent
One Jay Station
Nicholasville, Kentucky 40356

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